

H.R. 2983
As Reported by the Subcommittee
on Energy and Air Quality

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Price-Anderson Reau-
3 thorization Act of 2001”.

4 **SEC. 2. EXTENSION OF INDEMNIFICATION AUTHORITY.**

5 (a) INDEMNIFICATION OF NUCLEAR REGULATORY
6 COMMISSION LICENSEES.—Section 170 c. of the Atomic
7 Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

8 (1) in the subsection heading, by striking “LI-
9 CENSES” and inserting “LICENSEES”; and

10 (2) by striking “August 1, 2002” each place it
11 appears and inserting “August 1, 2017”.

12 (b) INDEMNIFICATION OF DEPARTMENT OF ENERGY
13 CONTRACTORS.—Section 170 d.(1)(A) of the Atomic En-
14 ergy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended
15 by striking “August 1, 2002” and inserting “August 1,
16 2017”.

17 (c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL
18 INSTITUTIONS.—Section 170 k. of the Atomic Energy Act
19 of 1954 (42 U.S.C. 2210(k)) is amended by striking “Au-
20 gust 1, 2002” each place it appears and inserting “August
21 1, 2017”.

1 **SEC. 3. MAXIMUM ASSESSMENT.**

2 Section 170 b.(1) of the Atomic Energy Act of 1954
3 (42 U.S.C. 2210(b)(1)) is amended—

4 (1) in the second proviso of the third
5 sentence—

6 (A) by striking “\$63,000,000” and insert-
7 ing “\$94,000,000”; and

8 (B) by striking “\$10,000,000 in any 1
9 year” and inserting “\$15,000,000 in any 1 year
10 (subject to adjustment for inflation under sub-
11 section t.)”; and

12 (2) in subsection t.—

13 (A) by inserting “total and annual” after
14 “amount of the maximum”;

15 (B) by striking “the date of the enactment
16 of the Price-Anderson Amendments Act of
17 1988” and inserting “July 1, 2001”; and

18 (C) by striking “such date of enactment”
19 and inserting “July 1, 2001”.

20 **SEC. 4. DEPARTMENT OF ENERGY LIABILITY LIMIT.**

21 (a) INDEMNIFICATION OF DEPARTMENT OF ENERGY
22 CONTRACTORS.—Section 170 d. of the Atomic Energy Act
23 of 1954 (42 U.S.C. 2210(d)) is amended by striking para-
24 graph (2) and inserting the following:

1 “(2) INDEMNIFICATION AGREEMENTS.—In an agree-
2 ment of indemnification entered into under paragraph (1),
3 the Secretary—

4 “(A) may require the contractor to provide and
5 maintain the financial protection of such a type and
6 in such amounts as the Secretary shall determine to
7 be appropriate to cover public liability arising out of
8 or in connection with the contractual activity; and

9 “(B) shall indemnify the persons indemnified
10 against such liability above the amount of the finan-
11 cial protection required, in the amount of
12 \$10,000,000,000 (subject to adjustment for inflation
13 under subsection t.), in the aggregate, for all per-
14 sons indemnified in connection with the contract and
15 for each nuclear incident, including such legal costs
16 of the contractor as are approved by the Secretary.”.

17 (b) CONTRACT AMENDMENTS.—Section 170 d. of the
18 Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is
19 amended by striking paragraph (3) and inserting the fol-
20 lowing:

21 “(3) CONTRACT AMENDMENTS.—All agreements of
22 indemnification under which the Department of Energy
23 (or its predecessor agencies) may be required to indemnify
24 any person under this section shall be deemed to be
25 amended, on the date of enactment of the Price-Anderson

1 Reauthorization Act of 2001, to reflect the amount of in-
2 demnity for public liability and any applicable financial
3 protection required of the contractor under this sub-
4 section.”.

5 (c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the
6 Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is
7 amended—

8 (1) by striking “the maximum amount of finan-
9 cial protection required under subsection b. or”; and

10 (2) by striking “paragraph (3) of subsection d.,
11 whichever amount is more.” and inserting “para-
12 graph (2) of subsection d.”.

13 **SEC. 5. INCIDENTS OUTSIDE THE UNITED STATES.**

14 (a) AMOUNT OF INDEMNIFICATION.—Section 170
15 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C.
16 2210(d)(5)) is amended by striking “\$100,000,000” and
17 inserting “\$500,000,000”.

18 (b) LIABILITY LIMIT.—Section 170 e.(4) of the
19 Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is
20 amended by striking “\$100,000,000” and inserting
21 “\$500,000,000”.

22 **SEC. 6. REPORTS.**

23 Section 170 p. of the Atomic Energy Act of 1954 (42
24 U.S.C. 2210(p)) is amended by striking “August 1, 1998”
25 and inserting “August 1, 2013”.

1 **SEC. 7. INFLATION ADJUSTMENT.**

2 Section 170 t. of the Atomic Energy Act of 1954 (42
3 U.S.C. 2210(t)) is amended—

4 (1) by redesignating paragraph (2) as para-
5 graph (3); and

6 (2) by adding after paragraph (1) the following:

7 “(2) ADJUSTMENT.—The Secretary shall adjust the
8 amount of indemnification provided under an agreement
9 of indemnification under subsection d. not less than once
10 during each 5-year period following July 1, 2001, in ac-
11 cordance with the aggregate percentage change in the
12 Consumer Price Index since—

13 “(A) that date, in the case of the first adjust-
14 ment under this paragraph; or

15 “(B) the previous adjustment under this para-
16 graph.”.

17 **SEC. 8. PRICE-ANDERSON TREATMENT OF MODULAR REAC-**
18 **TORS.**

19 Section 170 b. of the Atomic Energy Act of 1954 (42
20 U.S.C. 2210(b)) is amended by adding at the end the fol-
21 lowing new paragraph:

22 “(5)(A) For purposes of this section only, the Com-
23 mission shall consider a combination of facilities described
24 in subparagraph (B) to be a single facility having a rated
25 capacity of 100,000 electrical kilowatts or more.

1 “(B) A combination of facilities referred to in sub-
2 paragraph (A) is 2 or more facilities located at a single
3 site, each of which has a rated capacity of 100,000 elec-
4 trical kilowatts or more but not more than 300,000 elec-
5 trical kilowatts, with a combined rated capacity of not
6 more than 950,000 electrical kilowatts.”.

7 **SEC. 9. APPLICABILITY.**

8 The amendments made by sections 3, 4, and 5 do
9 not apply to a nuclear incident that occurs before the date
10 of enactment of this Act.

11 **SEC. 10. PROHIBITION ON ASSUMPTION BY UNITED STATES**
12 **GOVERNMENT OF LIABILITY FOR CERTAIN**
13 **FOREIGN ACCIDENTS.**

14 Section 170 of the Atomic Energy Act of 1954 (42
15 U.S.C. 2210) is amended by adding at the end the fol-
16 lowing new subsection:

17 “u. PROHIBITION ON ASSUMPTION OF LIABILITY FOR
18 CERTAIN FOREIGN ACCIDENTS.—Notwithstanding this
19 section or any other provision of law, no officer of the
20 United States or of any department, agency, or instrumen-
21 tality of the United States Government may enter into any
22 contract or other arrangement, or into any amendment or
23 modification of a contract or other arrangement, the pur-
24 pose or effect of which would be to directly or indirectly
25 impose liability on the United States Government, or any

1 department, agency, or instrumentality of the United
2 States Government, or to otherwise directly or indirectly
3 require an indemnity by the United States Government,
4 for nuclear accidents occurring in any country whose gov-
5 ernment has been identified by the Secretary of State as
6 engaged in state sponsorship of terrorist activities (specifi-
7 cally including any country the government of which, as
8 of September 11, 2001, had been determined by the Sec-
9 retary of State under section 620A(a) of the Foreign As-
10 sistance Act of 1961, section 6(j)(1) of the Export Admin-
11 istration Act of 1979, or section 40(d) of the Arms Export
12 Control Act to have repeatedly provided support for acts
13 of international terrorism).”.